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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,736	03/29/2004	Yasuhito Miyata	82286	1678

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EXAMINER	
WILHELM, TIMOTHY	
ART UNIT	**PAPER NUMBER**
3616	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/811,736	MIYATA ET AL.	
	Examiner	Art Unit	
	Timothy D. Wilhelm	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-11 and 13-22 is/are rejected.

7)☒ Claim(s) 12 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 29 March 2004 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 03-29-2004.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Kassman et al (7,021,657). Kassman et al disclose an airbag apparatus 28 comprising an airbag 30 for being inflated so that one side 44 of the airbag 30 faces a driver of the vehicle and an opposite side faces vehicle structure, a connecting member 38 in the airbag for controlling inflation thereof in a predetermined manner, and predetermined airbag connecting locations 40, 42 at which the connecting member 38 is attached to the airbag 30 with the predetermined connecting locations 40, 42 selected to limit travel of the one side 44 of the airbag 30 toward the driver and to allow substantially free travel of the opposite side of the airbag 30 toward the vehicle structure during airbag inflation. Regarding claim 2 the predetermined airbag connecting locations 40, 42 include one location at the one side 44 facing the driver, and at least one other location that is displaced from the opposite side facing the vehicle structure.

3. Claims 1, 2, 8, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Webber (6,857,659). Webber discloses an airbag apparatus 20 comprising an airbag 30 for being inflated so that one side of the airbag 30 faces a driver of the vehicle 10 and an opposite side faces vehicle structure, a connecting member 38, 40 in the airbag for controlling inflation thereof in a predetermined manner, and predetermined airbag connecting locations at which the connecting member 38 is attached to the airbag 30 with the predetermined connecting locations selected to limit travel of the one side of the airbag 30 toward the driver and to allow substantially free travel of the opposite side of the airbag 30 toward the vehicle structure during airbag inflation. Regarding claim 2 the predetermined airbag connecting locations include one location at the one side facing the driver, and at least one other location that is displaced from the opposite side facing the vehicle structure. The connecting member 38, 40 includes a plurality of divided members 38 that are attached to the airbag 30 at the airbag connecting locations and that are attached to each other at locations, here seen at the winding spool 40, other than the airbag connecting locations.

4. With regard to claims 19 -22, Webber further discloses a method of forming an airbag apparatus 20, the method comprising providing an airbag 30, attaching a connecting member 38, 40 at a plurality of locations on the airbag 30, providing a plurality of divided members 38 of the connecting member 38, 40, and attaching the divided members 38 to each other at at least one location 40 that is not on the airbag 30. The method disclosed by Webber includes adjusting a length of the divided members 38 that are attached at the location 40 that is not on the airbag.

5. Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawashima et al (3,879,057). Kawashima et al disclose an airbag apparatus comprising an airbag 10a for being inflated so that one side of the airbag 10a faces a driver of the vehicle and an opposite side faces vehicle structure, a connecting member 30 in the airbag for controlling inflation thereof in a predetermined manner, and predetermined airbag connecting locations at which the connecting member 30 is attached to the airbag 10a with the predetermined connecting locations selected to limit travel of the one side of the airbag 10a toward the driver and to allow substantially free travel of the opposite side of the airbag 10a toward the vehicle structure during airbag inflation. Regarding claim 2 the predetermined airbag connecting locations include one location at the one side facing the driver, and at least one other location that is displaced from the opposite side facing the vehicle structure.

6. With regard to claim 5, the connecting member 30 of Kawashima et al has a polygonal shape so that at least one of the airbag connecting locations is an apex of the polygonal connecting member.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kassman et al in view of the teachings of Igawa (6,572,144). Kassman et al disclose the present invention except for a connecting section that connects lateral sides of the airbag. Igawa teaches an airbag with a connecting member 22 that connects the lateral sides of the airbag 11 and provides an engagement section having a predetermined contour being adapted for engaging the vehicle structure. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the connecting member of Igawa with the airbag apparatus of Kassman et al to effectively control lateral movement of the airbag.

9. With regard to claims 5-7, the combination of the teachings of Igawa with the airbag apparatus of Kassman et al results in a triangular shaped connecting member in which the connecting locations of the airbag are at the apexes of the triangle.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kassman et al in view of Igawa as applied to claims above, and further in view of Kavanagh (GB 2,261,855). Kassman et al and Igawa disclose the present invention except for the connecting member including a plurality of divided members that are attached to the airbag at the airbag connecting locations and that are attached to each other at locations other than the airbag connecting locations. Kavanagh teaches an airbag apparatus with a connecting member comprising a plurality of divided members connected to each other at places other than the connection locations on the airbag. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to make the triangular shaped connecting member of Kassman et al in view of

Igawa from the plurality of divided members of Kavanagh connected at locations other than the air bag connecting locations to enable variation in the size of the deployed airbag.

11. Claims 1,9-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al (7,029,029) in view of the teachings of Kassman et al. Yamazaki et al disclose an airbag apparatus for a motorcycle having a seat for a driver rearwardly of handlebars 1L,1R, the airbag apparatus comprising an airbag 50 for being inflated between the seat 14 and the handlebars 1L,1R and able to fit between laterally spaced end portions of the motorcycle handlebars 1L,1R. Yamazaki et al disclose the present invention except for a connecting member in the airbag. Kassman et al teach an airbag comprising a connecting member in the airbag for controlling inflation thereof in a predetermined manner. The connecting member is attached to the rear side of the airbag forming a concavity to receive the body of the driver in the occurrence of a frontal collision. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Kassman et al's connecting member to the motorcycle airbag of Yamazaki et al to effectively control the deployment of the airbag.

12. Claims 14-~~18~~ 17 are rejected under 35U.S.C. 103(a) as being unpatentable over Yamazaki et al in view of Kassman et al and in further view of Igawa. Yamazaki et al and Kassman et al disclose the present invention except for the connecting member including a section that extends linearly between the predetermined side locations and thus creating concavities in the sides of an airbag at the predetermined locations.

Igawa teaches a connecting member 22 that extends linearly between predetermined side locations that are generally intermediate the front and the rear portions of an airbag 11, creating concavities d in said locations of the airbag 11. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the connecting member of Yamazaki et al in view of Kassman et al by connecting the laterally spaced ends of the connecting member with the linear connecting member of Igawa to give stability to the airbag in a lateral direction.

13. Claim 18 is rejected under 35U.S.C. 103(a) as being unpatentable over Yamazaki et al in view of Kassman et al and Igawa and in further view of Kavanaugh. Yamazaki et al in view of Kassman et al and Igawa disclose the present invention except for the connecting member including a plurality of divided members attached to each other at locations spaced from the airbag. Kavanaugh teaches an airbag apparatus comprising a connecting member that includes a plurality of divided members connected at locations 40 spaced from the airbag. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Kanaugh of to the connecting member of Yamazaki et al, Kassman et al, and Igawa to allow for variation in the predetermined manner in which the connecting member controls the airbag.

Allowable Subject Matter

14. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Igawa (US 2003/0168842) discloses an airbag apparatus 10 with a polygonal shaped controlling member 11, 15A, and 15B made of a plurality of divided members connected at locations spaced from the airbag. Tajima (JP 2002137777) discloses an air bag device 10 for a two-wheeled motor vehicle comprising an airbag 11 and a connecting member made of a plurality of divided members 27b connected at locations spaced from the airbag 11.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Wilhelm whose telephone number is 571-272-6980. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TDW

5/11/06

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